

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held November 5, 2007

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:33 p.m. by Vice-Chairman William C. Seeds, Sr. on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Seeds were: William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager, and Steven Stine, Township Solicitor.

Pledge of Allegiance

Mr. Blain led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the September 11, 2007 workshop meeting, and October 2, 2007 business meetings. Mr. Blain seconded the motion, and the motion was approved unanimously.

Public Comment

Mr. Jeff Schmidt, 2022 Scott Meadow Court, explained that he lives in the Quail Hollow Development. He noted that he was representing several other neighbors in regards to the Township's stance with regards to not plowing the development in the upcoming winter. He noted that the roads were not plowed last winter also. He noted that there is an on-going problem with the past developer, Barry Geftman. He noted that as residents of Phase III of that development, he and his fellow neighbors are being put in a very precarious situation, one that involves endangering his health and safety. He noted that there are more than a dozen children

under the age of ten who live in this development. He explained that his fellow residents were all granted occupancy permits, and pay taxes and the Township refuses to plow their streets, just as it did last winter.

Mr. Schmidt noted that there was a dispute between Mr. Geftman and the Township, noting that it is between those two parties, and the Township should not be penalizing tax paying citizens who have occupancy permits. He noted that that is wrong and he is here to tell the Board members that it is wrong. He noted that a resident last winter walked children to a bus stop and fell on ice and broke their collarbone. He noted that that is a very small problem as compared to what could happen. He questioned what would happen if it snows two feet, and one of the small children needs emergency help. He questioned what would happen.

Mr. Schmidt noted that the top coating of macadam is missing and the trucks could hit the sewer grates. He questioned if that was such a big deal when compared to a two-year old dying because they could not get the necessary emergency medical treatment. He asked the Board members to reconsider their position with respect to not plowing a very small section of the Township. He noted that it is less than a quarter of a mile. He noted that this is ridiculous. He noted that Phase One and Two will be plowed by the Township, and Phases Four and Five will be plowed by a new developer, but it is unconscionable to think that the Township would let that small portion of the road remain unplowed and jeopardize the health and safety of tax paying citizens that were given occupancy permits to live there.

Mr. Schmidt noted that his group does not want to do anything with respect to legal action, and he does not want to take it to the local media outlets, but if that is what is necessary, he will go that route. He noted that this is ridiculous and he asked the Board members to reconsider their decision not to plow Phase III of the Quail Hollow Development this winter.

Mr. Schmidt questioned if this would be satisfactory and acceptable to the Board members if they were paying taxes and had an occupancy permit. He noted that it is not his fault that this jerk screwed us all. He noted that his fellow residents should not suffer and the Board should not put the lives of twelve children at risk because of a financial dispute. He questioned if the Board members could live with themselves if something happened to one of the children. He requested the Board members to do something.

Mr. Seeds noted that the Board members shared Mr. Schmidt's concerns and questioned if he had spoken with anyone from the Township. Mr. Schmidt answered that he personally did not.

Mr. Wolfe noted that this involves the ongoing situation with Mr. Geftman and it is a matter of road dedication. He noted that Mr. Geftman has not completed the public improvements as required by the subdivision plan and as a result the Township is not in a position to accept the dedication.

Mr. Ira Davidson, a realtor with the Homestead Group, noted that he has one of the homes in the neighborhood as a listing. He noted that he and his staff talked with someone at the Public Works Department who verified that it was not their plan to perform any of the road maintenance over the winter. He noted that Mr. Schmidt noted the risk to life, but from a different aspect, this is the cause of a loss of value to their homes. He noted that he lost one sale since less people are willing to buy homes or pay as much for homes when they know that the Township is not willing to maintain the road. He noted that he spoke to the Vice-President of his company and whenever a developer comes in he was told that they must post a bond with the Township. He noted that he was told that the Township has revoked the bond, and if this is the case, then the Township is holding the funds to complete the improvements. He noted that the Township should be doing the necessary improvements.

Mr. Seeds questioned if the streets are paved in Phase III. Mr. Wolfe answered that the road paving is not completed. Mr. Blain noted that the Board members reviewed this stretch of road while on the most recent road tour. He noted that there were deficiencies around the sewer caps, the storm water areas, and the curbing was breaking up.

Mr. Seeds questioned what could be done to correct the problem. Mr. Wolfe replied that he was not sure what could be done. He explained that Mr. Stine is in contact with Mr. Geftman's attorney and litigation has occurred and it may continue. He noted that the Public Works Department is aware of what is needed to bring the road to a suitable standard, but the Township is working with a developer who is not willing to address the specific improvements as required by the plan. He noted that he does not have an answer at this moment.

Mr. Crissman noted that the Township is struggling with the issue and he noted his concern for the children's safety. He questioned what the homeowners in Phase III have done to pursue the issue with the developer. Mr. Schmidt answered that the residents have done nothing with the developer. Mr. Davidson noted that he has called the developer to no avail; his calls are not being returned.

Mr. Schmidt noted that the problem is between the Township and the developer. He noted that the bond has been revoked and the ball is in the Township's court. He noted that snow is predicted in three days and he needs a commitment from the Township that it will plow the roads this winter despite the deficiencies. He noted that those deficiencies don't mean anything. He noted that he wanted it now, and that he would give the Township a week, but beyond that he would have to seek legal counsel and although he is not saying this as a threat, it will mean that media outlets will need to get involved, and it is a given that it would not look good for the Township in the public square. He noted that he would go that route. He noted that this is

ridiculous, the fact that the Township would take the stance and put the citizens in the middle is ridiculous. He noted that the citizens are tired of the problem.

Mr. Seeds requested Mr. Schmidt to provide Mr. Wolfe with his phone number, and he would have Mr. Wolfe and staff looked into the situation to see what could be done. Mr. Seeds noted that it is too late in the year when the plants are no longer making asphalt. Mr. Schmidt noted that that would be fair. He noted that all he is asking for is confirmation that the roads will be plowed for the winter.

Mr. Seeds noted that there are numerous roads in the Township that are not completed yet, and the developer is responsible for plowing and maintaining. Mr. Schmidt noted that last winter the Township did not revoke Mr. Geftman's bond, and the residents attempted to put pressure on him to plow the roads. Mr. Seeds questioned if Mr. Geftman plowed the roads last winter. Mr. Schmidt answered that he did not, and the residents had to pay someone to plow the road. He noted that he is not doing that this winter, and the residents are tired of being in the middle. He noted, since the bond has been revoked, the Township has more responsibility this year than last year.

Mr. Watson Fisher, 2023 Scott Meadow Court, noted that they were surprised that the developer did not plow last winter. He noted that it was assumed that it was the developer's responsibility since it was his roads. He noted that the developer refused to plow although he had done it in the previous years. He noted that there is nothing in the ordinance that requires a developer to plow even though they are still owned by the developer. He suggested that this is something that could be changed in the future. He noted that last year they had difficulties with ice and paid someone to plow, and knowing that this could occur again, he was in touch with Ms. Wissler since late summer and Mr. Miller from Public Works. He noted that he emailed Mr. Wolfe regarding his concerns and notified the residents of the situation. He urged the Township

to do something to alleviate the problem for the 20 some houses in Phase III. He noted that now that the developer has forfeited his guarantee someone needs to take responsibility for the situation.

Mr. Seeds questioned if Phase I and II are plowed. Mr. Wolfe answered that those two phases have been accepted by the Township. Mr. Seeds questioned how many homes were in Phase III. Mr. Fisher answered that it is around 23 homes. Mr. Seeds questioned what the road distance is for Phase III. Mr. Watson suggested that it is a quarter of a mile. He noted that it would include Scott Meadow Court and part of Thicket Lane.

Mr. Crissman noted that last year the developer did not plow, and he questioned if the school-aged children had to walk to a bus stop. Mr. Fisher noted that the location where the school bus picks up the children is in Phase III. Mr. Seeds noted that he was surprised that the bus picked up the children last winter. Mr. Schmidt noted that the bus was able to do so since it had chains on the tires.

Mr. Fisher noted that he would appreciate anything the Board can do for the residents of Phase III.

Chairman and Board Member's Comments

Mr. Hornung noted that Mr. Schmidt was probably not familiar with the Board members and that is why he made the type of approach that he did to the Board members by threatening and yelling at them. He noted that this puts the Board members in an awkward position since they try to develop a rapport with the citizens. He noted that that approach is not needed and the Board does try to accommodate the situation since the citizens are who the Board members represent. He noted that the Board members react to either approach. He requested that, in future dealings with the Board, he suggested that the Board would be very accommodating with normal conversation. He noted that it did not need to be stated that it is ridiculous, and the Board does its

best to try not to let things be ridiculous, but sometimes the Board is put in situations that it needs to work together to resolve issues. He suggested that it would be good to put pressure on the builder because it will cost other tax payers who do not live in the development to fix the problem. He noted that there are issues that have been on going with the developer in other areas of the development and he cannot say much at this time since the legal counsel is working on the situation. He suggested that the Board is very responsive and responds to kindness requests, and he would encourage Mr. Schmidt to do this in the future. Mr. Schmidt answered that perhaps that is the case, but he was very disappointed in how the Township has handled that Phase and the developer. Mr. Hornung noted that there are numerous things that Mr. Schmidt does not understand and that is why he is frustrated. Mr. Schmidt noted that Mr. Hornung called him ignorant. He noted that his attitude and approach is because he has been so incredibly disappointed with the Township and the way it has handled the issues with Barry Geftman and the negligible behavior the Township has exhibited in allowing Mr. Geftman to do certain things. He noted that the Township has failed to protect the residents. He noted that that is why he came to the meeting tonight with a jaded attitude, and the threats that he made. He noted that he is tired of the BS. He stated that it is ridiculous. He noted that he was not pointing his comments directly to Mr. Hornung and not to this Board in particular, but aside with George Wolfe he has never had any contact with anyone. He noted that he is miserably disappointed with the Township; you have failed us as taxpaying citizens. Mr. Hornung noted that the developer has failed the residents. Mr. Schmidt noted that he has and so has the Township. He noted that the Township is equally at fault, and Mr. Hornung could not convince him otherwise. Mr. Hornung noted that that was obvious.

Manager's Report

Mr. Wolfe explained that he received an email from Representative Ron Marsico's office regarding a Heroes Grove fundraising event that will take place on Saturday, November 10, 2007. Chad Madden of Madden Physical Therapy will offer free Physical Therapy evaluation to all military personnel and their families between 8 a.m. and noon at the Madden Physical Therapy Office located at 49 S. Prince Street. Mr. Wolfe noted that Representative Ron Marsico will make a presentation on Heroes Grove, and the community service project that Mr. Madden has undertaken. He noted that for every referral he receives from a physician, he will donate money in that physician's name to the Heroes Grove Project.

Mr. Wolfe displayed three slides of the skateboard court that is to be built in the Thomas B. George Jr. Park. He noted that the agenda for tonight's meeting contains two resolutions for grant applications to be submitted to Dauphin County for the skateboard park.

Mr. Wolfe explained that the Township, in conjunction with The Freedom Group, a group of skateboard enthusiasts, desire to develop a 15,000 square foot skateboard court. He noted that the court would have various ramps and other obstacles for skateboarders to test and develop their skills. He explained that the Township has agreed to contribute \$250,000 to the effort, and The Freedom Group has been charged to raise an additional \$250,000. He noted that the total project costs, as this time, are estimated to be \$500,000.

Mr. Wolfe explained that Mr. Hornung has worked very closely with The Freedom Group to develop the park.

Mr. Hornung explained that all the avenues have been set up to accept donations, and the funds will be maintained by the Foundation for Enhancing the Community. He explained that several years ago, he questioned the Police what their great problem was, and they responded that it was chasing skateboarders from one location to another since they didn't have a proper

facility to practice their sport. He noted that it has resulted in ill feelings between young adults and the police, and has been a source of bad feelings for both sides. He explained that he wanted to find a means to solve the problem, and reduce the ill will between the police and the skateboarders. He explained that it is a very worthwhile cause, and he hopes that The Freedom Group will be able to raise the \$250,000 to develop the park.

Mr. Hornung noted that members of the community, who would like to make a donation, or possibly have a device named after them, could contact Mr. Wolfe who would provide them with the information for making a donation. Mr. Wolfe noted that under the Parks and Recreation link for the Township website is a project narrative for the skateboard park and a link to The Freedom Group. He noted that there is a link to make a donation through the Township's website.

OLD BUSINESS

None was presented.

NEW BUSINESS

Resolution 07-46; authorizing the submission of a Tourism Grant Program application to Dauphin County requesting funding for a skate park to be developed in George Park

Mr. Wolfe explained that this grant application requests \$2,000 through the Tourism Grant Program to be used as seed funds for overall project marketing and start-up costs fundraising. He noted that the Resolution is complete for Board action this evening. He explained that he has attached a project narrative, information on The Freedom Group, and a Letter of Understanding as part of the grant application.

Mr. Hornung made a motion to approve Resolution 07-46; authorizing the submission of a Tourism Grant Program application to Dauphin County requesting funding for a skatepark to be developed in the Thomas B. George Jr. Park. Mr. Crissman seconded the motion. Mr. Seeds called for a voice vote and a unanimous vote followed.

Resolution 07-47; authorizing the submission of a Community and Economic Grant Program application to Dauphin County requesting funding for a skate park to be developed in George Park

Mr. Seeds noted that this is the second grant application for the skatepark from a different program. Mr. Wolfe noted that the Community and Economic Grant Program application would apply for \$5,000 to be used for the engineering and design costs.

Mr. Hornung made a motion to approve Resolution 07-47; authorizing the submission of a Community and Economic Grant Program application to Dauphin County requesting funding for a skatepark to be developed in the Thomas B. George Jr. Park. Mr. Crissman seconded the motion. Mr. Seeds called for a voice vote and a unanimous vote followed.

Action on bids for the Jonestown Road guiderail installation project

Mr. Wolfe explained that bids were opened in accordance with specifications prepared by the Township's consulting engineer, Herbert, Rowland and Grubic, Inc., for the Jonestown Road Guide Rail Installation Replacement Project. He noted that the Township received three bids; the low bid was submitted by Collinson, Inc., in the amount of \$24,449.00. He noted that the bid was reviewed by the Township engineer and found to be acceptable, and it was staff's recommendation that the Board take action to award the bid to Collinson, Inc.

Mr. Crissman made a motion to award the bid for the Jonestown Road Guiderail Installation Project to Collinson, Inc. in the amount of \$24,449.00 subject to the receipt of acceptable performance and payment bonds. Mr. Blain seconded the motion. Mr. Seeds called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; and Mr. Seeds, aye.

Action on a lease agreement between the Township and United Water of Pennsylvania for an easement to the Public Works and Sewer Facilities

Mr. Wolfe explained that the Township has entered into an agreement with American Tower Inc., for the construction of a cellular phone tower at the Public Works facility located at

5979 Locust Lane. He noted that American Tower, Inc., while performing its due diligence, found that the Township does not have an easement for the driveway into the Public Works Facility from United Water PA. He noted that he spoke with a representative from the United Water PA, and they were surprised to find that when the Township purchased the land from United Water PA that an access easement was not conveyed. He noted that United Water PA has stated that they would be willing to provide the Township with an access easement. He noted that the draft easement before the Board of Supervisors was to be undated, and prior to meeting time, he received additional comments from United Water PA for the easement.

Mr. Wolfe explained that for paragraph nine, United Water PA would like to amend the language to state that, *“The Township may only assign this easement upon the written approval of the grantor, and such approval shall not be unreasonably delayed or withheld.”* He noted paragraph two should be changed to read, *“The Township shall give the water company 30 days notice if it is scheduled to perform any maintenance on the roadway that would impact the water company’s ability to access the water tank.”* Mr. Wolfe noted that paragraph four should be changed to, *“Any damage to the grantors’ property by the Township in its maintenance activities, the Township shall restore the grantors’ property to its original condition.”* He further noted that paragraph seven shall be changed to read, *“The water company shall have the right to repair or replace its existing water main that currently crosses the easement area which is encumbered by the driveway.”*

Mr. Wolfe noted that he did not find the comments to be significant. Mr. Seeds questioned Mr. Stine if he had any comments regarding the changes to the easement agreement. Mr. Stine noted that he had reviewed the documents and had no further comments.

Mr. Seeds noted that the 30-day notice to make repairs does not take in account the possible need for an emergency repair. Mr. Seeds noted that the water company should be made

to provide a 30-day working notice if they would need to make repairs to the water main as well. Mr. Wolfe noted that he could not imagine the water company and the Township not working together. He noted that this has never been an issue since the two entities have always worked together. He noted that the Township has maintained the road, and the water company has always had access to their tank and equipment. Mr. Seeds noted if Mr. Wolfe and Mr. Stine had no problems with the changes, then he assumed that they would be okay.

Mr. Hornung questioned if the water company needed to dig up the water line and it traversed the driveway, who would pay for the costs to repair the driveway. Mr. Wolfe answered that if the water company is repairing their line, then they should repair the driveway. Mr. Hornung noted that it is not stated in the agreement, and as long as the Township and water company can work it out, it would be fine with him. Mr. Wolfe noted that upon further reading of the agreement, it states in paragraph seven that the restoration to the roadway would be the responsibility of the Township. He noted that he could get further clarification on this matter from United Water PA. He noted that the Township is responsible for all roadway maintenance.

Mr. Blain made a motion to approve action on a lease agreement between the Township and United Water PA for an access easement to the Public Works and Sewer Facilities.

Mr. Crissman seconded the motion. Mr. Seeds called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; and Mr. Seeds, aye.

Resolution 07-45; Planning Module for Volunteers of America Living Center

Mr. Wolfe noted that Planning Module amends the Township's sewage facilities plan to accommodate the public sewer request for this development. He noted that the Board of Supervisors previously approved this subdivision plan which proposes 15 units on a residential R-2 tract of land.

Ms. Lisa Stoak, 6312 Chelton Avenue, explained that she wanted to speak about the Volunteers of American Living Center. She noted that she is concerned for the environmental impact, noting that there are wetlands on that property. Mr. Wolfe noted that wetlands were designated on the plan, and the development does not impact the wetlands.

Ms. Stoak requested to view the plan. Mr. Wolfe noted that Ms. Stoak could view the plan, Monday through Friday, from 8 a.m. to 5 p.m. Ms. Stoak questioned if the entire property was wetlands. Mr. Wolfe answered that it was not. Ms. Stoak questioned if the land was tested. Mr. Wolfe noted that part of the subdivision process requires a wetland delineation geographic layout of the property determined by an engineer who places his seal to verify the validity of the plan. He noted that the plan is then reviewed by the Township engineer. Ms. Stoak questioned if the land was tested. Mr. Wolfe noted that, as a result of the wetland delineation plan, it was and she was welcome to view the plan.

Mr. Seeds noted that the Board of Supervisors has already approved the land development plan for the Volunteers of America. He noted that the Board is taking action on the sewage facilities for the plan.

Ms. Stoak noted that she just found out about it and always thought that the land would not be affected by construction activities.

Ms. Stoak questioned if the plan was approved by the Department of Environmental Protection (DEP). Mr. Wolfe answered that there is no DEP approval required for a subdivision plan. Ms. Stoak noted that she talked to the wetland manager and was told that the plan would have to be approved by them first. Mr. Wolfe noted that before a contractor starts to dig, the developer must have an approved Erosion and Sedimentation Control Plan. He explained that that would be the next step in the process. He noted that this plan must be submitted to the

Dauphin County Soil Conservation Service who reviews the plan on behalf of DEP for Dauphin County, and they must have an approved plan before they can begin to dig.

Mr. Wolfe noted that he would be happy to have Ms. Stoak come into the office and explain the entire process. He noted that wetlands can be developed, but the developer did not propose any mitigation to develop on the wetlands. She explained that her neighbors told her that someone attempted to develop a plan 20 years ago, and was unable to do so since an environmental group stopped the development. Mr. Hornung noted that he was approached by citizens on this matter, and he explained when an engineer puts his seal on a plan, he is stating his reputation as an engineer, and if he were to violate that it would have significant ramifications. Mr. Hornung noted that he asked the resident to provide him with the earlier plan to see if there was something the Township needed to check into. He noted that the Township would ensure that the proper action has been taken. He noted that unless someone could show the Township the set of plans that everyone is talking about there is not much that could be done. Mr. Wolfe noted if the plans were not submitted to the Township, then they would have no idea as to where they were. He noted that he was not aware of any other plans being submitted for that tract of land.

Mr. Crissman questioned who Ms. Stoak should contact at the office. Mr. Wolfe answered that Ms. Stoak could ask for Mr. Wolfe, Ms. Wissler, or Ms. Moran to view the plan.

Ms. Stoak questioned if the proposal was to build townhouses. Mr. Wolfe answered that they have been approved to build single-story units. Mr. Hornung noted that the plan met all the Township's requirements and did not need a waiver to be approved. He noted that when a plan meets the ordinances and requirements, the Township is required to approve the plan.

Ms. Stoak noted that there are requirements for certain types of soil, a two-week drainage test, and a certain type of plant life to test for wetlands.

Mr. Hornung questioned if the Township engineer could take a second look at the plan. Ms. Stoak noted that she would appreciate it. Mr. Hornung noted that the Township could contact Ms. Stoak with the results.

Mr. Blain made a motion to approve Resolution 07-45, Planning Module for the Volunteers of America. Mr. Crissman seconded the motion. Mr. Seeds called for a voice vote, and a unanimous vote followed.

IMPROVEMENT GUARANTEES

Mr. Seeds noted that there were two improvement guarantees for consideration.
Sir Thomas Court, Lot 5-D, New Medical Office Bldg.

A new letter of credit with Fulton Bank in the amount of \$104,000.00 with an expiration date of October 25, 2008.

Liberty Place

A newly established escrow account with Lower Paxton Township in the amount of \$7,500.00 with an expiration date of November 5, 2008.

Mr. Blain made a motion to accept the two improvement guarantees as presented. Mr. Hornung seconded the motion, and the motion carried unanimously.

Payment of Bills

Mr. Blain made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, and a unanimous vote followed.

Announcement

Mr. Seeds reminded the viewing public that tomorrow is Election Day, and the polls open at 7 a.m. and close at 8 p.m. He strongly urged the public to get out and vote.

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Crissman seconded the motion, and the meeting adjourned at 8: 55 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary